THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION Nos. 10615 OF 2005

Date: 03-02-2006

Between:

Smt.V.Yeshodha.

….Petitioner

and

State of Andhra Pradesh, rep. by Commissioner of Police,

Cyberabad & Others.

..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION Nos. 10615 OF 2005

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

The petition is filed by mother of an alleged detenue in the nature of Habeas Corpus.

It is stated that the alleged detenue was married to one Mr.Ch.Madhusudhan Reddy. After marriage, the alleged detenue and her husband used to stay with the petitioner, as she was alone. The petitioner's daughter was missing since 4.8.2004. She searched for her missing daughter in the houses of their relatives and friends, but could not trace her. On her enquiries, she came to know that on 4.8.2004, respondent No.3 Mr.Kranti went to her residence and forced her daughter to accompany him to an unknown place. On 6.8.2004, the son-in-law of the petitioner i.e. the husband of the alleged detenu went to the Police Station, Alwal and gave a report. The Police registered a case in Crime No.294 of 2004. The petitioner stated that though respondent No.3 caused disappearance of her daughter, and she reported against him to the Police, they are not taking any action in the matter. She alleged that the Police are visiting the parents of respondent No.3, but simply returning without gathering any information.

We passed several orders on this writ petition from 29.4.2005 till 23.11.2005. On 23.11.2005, the case was heard and judgment was reserved. The judgment was not delivered purposefully till then, hoping that the Police would find the alleged detenue and produce her in the Court. On every day, when the case was listed, the Police informed the Court that they were doing all that was possible, but were not able to find out the detenue.

On 10.6.2005, this Court gave ten days time to the respondents to find out the missing woman. Again on 20.6.2005, one week time was granted. Thereafter also, the case was adjourned on 27.6.2005, 4.7.2005, 11.7.2005 and 18.7.2005 at. On 25.7.2005, the Additional Advocate-General submitted that the alleged detenue and respondent No.3 were traced in Chittoor and they were trying to

produce them in Court. Therefore, the case was posted to 27.7.2005. On 27.7.2005, it was submitted by the Assistant Government Pleader that enquiries revealed that the couple traced in Chittoor were not the alleged detenue and respondent No.3 herein, and that intensive search is being made to trace out the alleged detenue and respondent No.3.

Counter affidavit and additional counter affidavits were filed on behalf of Police, in which, they have mentioned the steps they have taken to trace out the alleged detenue, but they have not been able to trace out her.

We are of the considered view that the lives of citizens are being treated shabbily by the Police concerned and they are not conscious of the rights and dignity of a human being. If, at the end of the day, it is found that the alleged detenue has lost her life during the period or if she is forced to do something which is against the dignity of women, who will be responsible ? After all, we cannot tell the petitioner that our Police have done what was possibly to have been done, therefore, your daughter cannot be found out. These are serious issues, which not only tarnish the image of the Police and law enforcing agencies, but also of the Courts. The Police concerned have not taken steps which should have been taken and even after giving a long room to them, they have not done anything in the matter.

Therefore, we allow this writ petition and direct the Police concerned to produce the detenue as and when found. In the meantime, we direct the Director General of Police, Andhra Pradesh, to initiate an inquiry against the officials who were responsible for investigation of the case. The report of the inquiry shall be furnished to this Court within three months. In the meantime, efforts shall be made to trace out the detenue and as and when she is located, she shall be produced before the Court. After the report is received from the Director General of Police, it shall be brought to the notice of the Court by the Registrar (Judicial). Copy of this order shall be sent to

the Chief Secretary of the State and to the Director General of Police.

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(BILAL NAZKI, J)

03-02-2006

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(K.C.BHANU, J)

N.B:

Furnish copy of this order to:

1) The Chief Secretary to the Government of A.P., Hyderabad.

2) The Director General of Police, A.P., Hyderabad.

(B/o)

ajr